

## EDMOND CITY COUNCIL MINUTES

February 12, 2007

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, March 12, 2007, in the City Council Chambers.

**2. Approval of Minutes.** Motion by Miller, seconded by Page, to approve January 26, 2007, Minutes. **Motion carried** as followed:

AYES: Mayor Naifeh, Councilmembers Page, Sanford, Lamb  
and Miller  
NAYS: None

### **3. City Council Presentations:**

- A. **City Manager's Monthly Progress Report.** Larry Stevens addressed Council and stated the contractor has completed most of the asphalt base on the north side of 33<sup>rd</sup> Street, Kelly to Santa Fe, but the cold weather has slowed progress because asphalt can not be laid if the temperature is below 40 degrees. The construction time frame is eight months and hopefully will be completed during the summer. He stated Phase I of the Covell Underpass project is progressing and the goal is to have Covell re-opened to traffic by the end of February. When Covell is open the grading work will begin on Boulevard. Mr. Stevens stated the plans for Phase II are being reviewed by ODOT and a late summer or early fall bid letting is anticipated. The 33<sup>rd</sup> Street, Coltrane to I-35, widening is scheduled for the ACOG program beginning in October, 2009. The water line relocation project has been awarded and once complete the other utilities will be allowed to relocate. Mr. Stevens stated the Streetscape project, Phase II is basically complete at a cost of approximately \$1.6 million. A pre-work meeting will be held in the next few weeks regarding Phase III and construction should begin soon after the meeting. The cost of Phase III is approximately \$1.84 million. He stated the 15<sup>th</sup> Street Signal project is being reviewed by ODOT and an early summer bid letting is anticipated. The project is 100% federally funded. Mr. Stevens stated a committee was formed as a follow-up to the Needs Assessment Study of the Police Department. The initial meeting was held on October 19, 2006, and the group has been meeting regularly since then.

- B. **Presentation of proclamation recognizing the month of February, 2007, as AMBUCS National Visibility Month in the City of Edmond.**

**4. Appointments to Boards and Commissions:**

- A. **Appointment to the Edmond Bicycle Committee.** Mayor Naifeh nominated Jeff Baggett for appointment to serve a three-year term expiring February, 2010.
- B. **Appointment to the Edmond Bicycle Committee.** Mayor Naifeh nominated Tim Tillman for appointment to serve a three-year term expiring February, 2010.
- C. **Appointment to the Edmond Bicycle Committee.** Mayor Naifeh nominated Chuck Linhardt for appointment to serve a three-year term expiring February, 2010.
- D. **Appointment to the Edmond Bicycle Committee.** Mayor Naifeh nominated Brenda Knott for appointment to serve a three-year term expiring February, 2010.
- E. **Appointment to the Guthrie-Edmond Regional Airport Board.** Mayor Naifeh nominated Bill Horn for re-appointment to serve a three-year term expiring February, 2010.
- F. **Appointment to the Edmond Historical Preservation Trust.** Mayor Naifeh nominated Matthew Duncan for re-appointment as a youth member to serve a one-year term expiring February, 2008.
- G. **Appointment to the Kickingbird Tennis Center Advisory Board.** Councilmember Lamb nominated Dennis Black for appointment to serve a three-year term expiring February, 2010.
- H. **Appointment to the Fish and Game Commission.** Councilmember Sanford nominated Richard Kanaly for appointment to serve a four-year term expiring February, 2011.

Motion by Lamb, seconded by Sanford, to approve Items 4.A. through 4.H. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Sanford, Lamb and Miller  
NAYS: None

- 5. **GENERAL CONSENT ITEMS:** (General Consent Items were voted on collectively except where noted.)

A. Approval of Administrative Items:

- 1) Approval of Resolution No. 03-07 providing notice of publication of penal and other ordinances.
- 2) Approval of additional funding to Crawford & Associates, P.C. for their services in the development of the 2005/2006 Comprehensive Annual Financial Report (CAFR) in the amount of \$11,330.
- 3) Acceptance of utility easement for off-site sanitary sewer from Covell Village Development.
- 4) Acknowledge receipt of construction permits from the Oklahoma Department of Environmental Quality for 2020 Water System Master Plan, Contract 9.
- 5) Acceptance of public improvements and maintenance bonds for the following:
  - a) 3839 S. Boulevard
  - b) 3847 S. Boulevard
  - c) 2<sup>nd</sup> Street waterline at Vista and Bradbury
  - d) Safe Routes to School, Phase III
  - e) 312 S. Coltrane
  - f) Henderson Hills Addition
  - g) 2320 S. Kelly
  - h) Delta Zeta Sorority
  - i) Campbell Street

B. Approval of Purchases:

- 1) Approval of budgeted funds for capital and operating expenditures for the Guthrie/Edmond Regional Airport in the amount of \$4,802.85.
- 2) Award of bid for single phase padmount transformers for the YourGovShop member participants.
- 3) Approval of Change Order No. 1 with Cimarron Construction Company for the Edmond Road culvert at Mander Creek in the decreased amount of \$2,999.62.
- 4) Award of bid for a power delivery system for Ketch Substation for the Electric Department. C.H. Guernsey & Company recommended accepting bid from Pederson Power Products in the amount of \$253,715.

Motion by Miller, seconded by Page, to approve General Consent Items 5.A.(1-5) and 5.B.(1-4). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Sanford, Lamb and Miller

NAYS: None

**6. Discussion and consideration of request from the Visual Arts Commission (VAC) regarding funding alternatives for the Arts in Public Places program.** The Visual Arts Commission requested the maximum amount allowed to partner with donors be increased from \$20,000 to \$30,000 in order to purchase larger pieces of art. The VAC requested that any unused funds be rolled over into a contingency fund and be unrestricted and available for the direct purchase of art. The VAC members felt as the contingency fund grows, the money could be used to partner with outside entities to purchase larger pieces of art. The Arts in Public Places program also receives 1% of the sales tax collected from the 2000 Capital Improvements Sales Tax. The tax was originally applied when the project was finished and the VAC requested the 1% be applied when the contract is issued. This will allow the Capital Improvements and Financing Task Force to monitor the funds.

Councilmember Page stated part of the carry-over of funds is the result of the new budgeting process the City is incorporating. He noted the VAC is not allowed to encumber funds until they have the matching funds in place to partner in purchasing the art piece. He stated at this time if the VAC can not find partners for all the available funding, they loose the funds since they can not be carried over to the next fiscal year.

Councilmember Miller stated he was concerned that unless there is a limit to the amount of funds that can be carried over that viable small art pieces could be turned down in order to save the funds for larger projects.

June Cartwright, Chairperson of the VAC, addressed Council and stated each project would be reviewed on a case by case basis. She stated the reasons for the requests was that the VAC has a partner for a large incredible art piece and that they would like to have the funding to help purchase the art piece.

Councilmember Page noted that since the City is only allowed by ordinance to contribute a maximum amount for each art piece, it would not matter how much money was carried over each year.

Mayor Naifeh stated she felt the Arts in Public Places program was established to match donors with funds to purchase art pieces throughout the City and she supported honoring that commitment to

only using matching funds to purchase art pieces. She stated she supported the carry-over of funds, increasing the partnering amount to \$30,000 and the 1% being applied at the beginning of the project. She was opposed to the carry-over being unrestricted.

Councilmember Lamb asked if at some point in the future that the 1% of funds set aside could be used to partner the purchase of an art piece. It was noted that the Arts in Public Places program was established to use private partnering funds with City funds and not City tax funds with City funds.

It was noted that the amount of carry-over funds would not be limited but that the funds could still only be used to partner with outside donors up to a maximum amount. If the carry-over funds reached a substantial amount, the Council would have the discretion not to appropriate additional funds for that fiscal year.

Kelly Neal, Finance Director, addressed Council and stated State Law requires a budget amendment for the carry-over of funds.

Motion by Miller, seconded by Page, to authorize staff to prepare an amendment to the ordinance increasing the partnering amount to \$30,000. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Sanford, Lamb  
and Miller  
NAYS: None

Motion by Miller, seconded by Page, to authorize staff to prepare a budget amendment of \$52,780 regarding the carry-over funds for the previous two fiscal years into the FY 2006/07 budget. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Sanford, Lamb  
and Miller  
NAYS: None

Motion by Miller, seconded by Page, to recess the City Council meeting in order to convene the Edmond Public Works Authority meeting. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Sanford, Lamb  
and Miller  
NAYS: None

**9. PLANNING CONSENT ITEMS:**

- A. **Consideration of Final Plat of Hampton Village, located south of 15<sup>th</sup> Street, west of Broadway (Chris Palmer, applicant) Case No. PR060028.**
- B. **Public Hearing and Consideration of commercial Site Plan approval for an office building, located west of Kelly, north of 33<sup>rd</sup> Street (Aduddell Development Group, applicant) Case No. SP060075.**

Motion by Lamb, seconded by Miller, to approve Planning Consent Items 9.A. and 9.B. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Sanford, Lamb and Miller

NAYS: None

**10. Public Hearing and Consideration of commercial Site Plan approval for a new building, located on the northwest corner of Santa Fe and W. Edmond Road (Buddy's Corner, applicant) Case No. SP070001.** The site contains 30,547 square feet and 29 parking spaces are planned. The building will be brick veneer on all four sides and an overhead door on the east will be used by the cleaners. Planning Commission recommended approval subject to the following modifications to the Site Plan:

- 1) Closing the two drives nearest the intersection - one on Edmond Road and one on Santa Fe
- 2) 12 foot tall, 65 square feet ground sign which is smaller than allowed and similar to surrounding business signs
- 3) Correction of the landscaping plan to show all of the plant unit sizes to meet code in the frontage

The applicant has made all the modifications requested by the Planning Commission on the plans submitted.

Motion by Lamb, seconded by Miller, to approve Item No. 10 subject to the above modifications recommended by the Planning Commission. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Sanford, Lamb and Miller

NAYS: None

**11. Public Hearing and Consideration of commercial Site Plan approval for an office/loft, located on the northeast corner of Hurd and Fretz (Van Horn Family, applicant) Case No. SP060033.** An office is proposed on the lower level and one single family dwelling unit is proposed on the second floor. The site contains

10,618 square feet. The parking is on private property but requires backing onto Hurd Street rather than driving forward off the property. The applicant requested a variance to allow angled parking on Hurd Street. The property could not meet the 135 foot separation between drives or adjoining streets due to the shallow lot depth. Planning Commission recommended approval due to the low volume of traffic.

Mayor Naifeh asked if a fence is planned on the east and north sides of the property. She noted since the lot is small a fence would be the only buffer for the residential homes and she felt would be appropriate for this location.

Staff stated a fence is not required in this zoning district and the applicant is not planning to install a fence.

Daniel Wade, Eagle Consultants, addressed Council on behalf of the applicant. He stated an existing fence is located along the north side of the property. He noted the building will enhance the area and there is no need to isolate it from the surrounding residential property.

Councilmember Page stated he felt a fence would be appropriate on the east.

It was noted that there will be landscaping on the perimeter which would act as a buffer for the surrounding properties.

Motion by Miller, seconded by Page, to approve Item No. 11 as submitted and the variance to allow angle parking on Hurd Street.

**Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Sanford, Lamb and Miller

NAYS: None

**12. Public Hearing and Consideration of amended commercial Site Plan for Edmond North Self-Storage, located at 2116 No. Thomas Drive (John Birdsell, applicant) Case No. SP060009.** This item was denied in November, 2006 for failure to meet the 50% landscaping in the front and the location of the dumpster enclosure. In order to meet the landscaping requirements along the frontage of the property, the applicant has included all the frontage along Thomas Drive in this application. A future driveway has been set aside at this time but remains part of the project in order to access the area south of the self-storage facility at some time in the future. The applicant will provide additional widening on Thomas Drive and the right-of-way along the additional frontage. The dumpster has two possible locations. Previously Council requested the dumpster be located within the interior of the project but

this would necessitate access by the Sanitation trucks to the electronic gate. The applicant proposes to locate the dumpster outside of the electronic gate and to add a black metal fence with a vine growing on the fence to screen the dumpster. Kim Miller, the City's Urban Forester, has reviewed the plans and will work with the applicant to ensure the appropriate vines are planted. The detention will be located in the southeast portion of the property, east of the undeveloped portion. Staff noted that when the undeveloped portion is developed, the applicant will need to comply with the 10% landscaping requirement on this portion and will not be able to use the frontage of the property to meet the landscaping requirements. The applicant has not re-platted the property at this time to include the additional frontage but the frontage will be part of the building site that the permit is issued on. The Planning Commission recommended approval of the revised application.

Motion by Lamb, seconded by Miller, to approve Item No. 12 and to allow the dumpster to be located in front of the electronic gate behind a black metal fence with a vine growing along the front.

**Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Sanford, Lamb  
and Miller  
NAYS: None

**13. Public Hearing and Consideration of multi-family Site Plan approval, located on the southeast corner of Edwards and Jackson Streets, 304 E. Edwards (Susan Binkowski, representing Esperanza Real Estate, applicant) Case No. SP060074.** The site contains 10,500 square feet and 16 parking spaces are provided. The applicant requested approval under the new Title 22 zoning standards which will take effect March 1<sup>st</sup>. The new standards allow eight apartment units. The application complies with the 10% landscaping requirements and a drainage fee will be paid for the regional detention facility in downtown Edmond. The development also complies with the alley paving requirements. The Central Edmond Urban Board recommended approval.

Motion by Lamb, seconded by Miller, to approve Item No. 13.

**Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Sanford, Lamb  
and Miller  
NAYS: None

**Councilmember Page temporarily left the Council Chambers during discussion of the following item.**

**14. Discussion and Consideration of request from Covell-35 Development, LLC, for public improvements and financing assistance for the Covell Place Town Center project to be located at I-35 and Covell Road.** Larry Stevens addressed Council and stated a workshop was held in January, 2007, related to the off-site infrastructure improvements for the proposed Covell Place Town Center development. He stated the developer requested assistance from the City for street and utility infrastructure improvements. Mr. Stevens stated the items discussed were the widening of Covell Road, primarily from 1/3 of a mile west of Bryant to I-35 in the estimated amount of \$14M; also widening Sooner Road approximately 9/10 of a mile in the estimated amount of \$6.15M; and installation of waterline improvements in the estimated amount of \$4M for a total cost of all three projects of \$24.15M. Mr. Stevens stated at the workshop Councilmember Sanford recommended the Finance/Audit Committee review the recommendations prior to formal approval by Council. He stated if it is the consensus of Council to direct staff to work with the Finance/Audit Committee and move forward with these recommendations an item would be placed on a future agenda for formal consideration by Council.

Councilmember Sanford suggested the Capital Improvements and Financing Task Force also be included in discussions regarding these projects since a portion of the funding will come from that fund.

Kathy Panas, former Edmond School Board member, addressed Council and requested Council take into consideration that citizens still move to Edmond for the school system and it is the largest employer in Edmond. She noted ad valorem taxes were the only way for the school system to finance their needs and she would not like to see those funds used for a TIF District.

It was noted that staff recommended against establishing a TIF District for these projects and that the projects would be funded through City sales taxes.

Todd McKinnis, representing Covell 35 Development, LLC, addressed Council and expressed his appreciation to Council for working with the developer on this large project. He stated the developer is ready to move forward in good faith to make this project a reality.

Motion by Lamb, seconded by Sanford, to direct staff to work with the Finance/Audit Committee and the Capital Improvements and Financing Task Force regarding funding and allocation of these projects. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Sanford, Lamb and Miller  
NAYS: None

**Councilmember Page returned to the City Council Chambers.**

**15. Executive Session to discuss the purchase of real properties at the following locations(Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B)(3)):**

- a) Post Road and Highway 66
- b) Centennial Boulevard, east of Kelly Avenue
- c) Coltrane and Chimney Hill Road

Steve Murdock, City Attorney, addressed Council and stated Item 15.c regarding property located at Coltrane and Chimney Hill Road would not be discussed during Executive Session.

Motion by Miller, seconded by Lamb, to meet in Executive Session to discuss Items 15.a and 15.b. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Sanford, Lamb and Miller  
NAYS: None

Mayor and Councilmembers recessed to the City Council Conference Room at 6:55 p.m. and returned to the City Council Chambers at 7:12 p.m.

**Councilmember Miller returned to the Council Chambers during discussion of the property located at Centennial Boulevard, east of Kelly Avenue.**

Motion by Lamb, seconded by Page, to adjourn Executive Session. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Sanford, Lamb and Miller  
NAYS: None

**16. Consideration of action regarding the purchase of real properties at the following locations:**

- a) Post Road and Highway 66
- b) Centennial Boulevard, east of Kelly Avenue
- c) Coltrane and Chimney Hill Road

Mayor Naifeh stated no action would be taken on Item 16.a., Post Road and Highway 66.

Motion by Lamb, seconded by Sanford, to authorize staff to proceed with negotiating the purchase of property located at Centennial Boulevard, east of Kelly Avenue, in an amount not to exceed \$50,000. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Sanford and Lamb  
NAYS: None

Mayor Naifeh expressed her appreciation to the many property owners who donated their easements in order for the City to improve the street.

**17. NEW BUSINESS:**

Mayor Naifeh stated she declared February 11, 2007, as "Dorothy Henton Birthday Day" in the City of Edmond to commemorate her 80<sup>th</sup> birthday.

Councilmember Sanford asked when the audit report from John Arledge and Associates would be presented to Council. Mr. Stevens stated both Mr. Arledge and Mike Crawford, Crawford & Associates, would present reports at the next meeting.

Councilmember Miller wished his daughter Morgan happy 16<sup>th</sup> birthday.

Mayor Naifeh announced that three teenagers from Edmond, Laura Tipton, Chenoa Barker and Sissie Nie have been appointed to work on the Edmond Centennial Fountain as part of the Centennial celebration.

Kenneth Buck, 516 S. Littler, addressed Council regarding the problems he continues to have with the UCO Jazz Lab and asked if any progress had been made.

Councilmember Page stated a Community Connections meeting has been scheduled for February 13<sup>th</sup> at 7:00 p.m. in the Downtown Community Center and that issue will be discussed.

**18. Motion by Lamb, seconded by Sanford, to adjourn meeting. Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Sanford, Lamb and Miller  
NAYS: None

---

**City Clerk**

**Mayor**